

SUPREME COURT OF NEVADA

In the Matter of Discipline of Melissa F. Mack

No. 85326 (Nev. Nov. 22, 2022) · No. No. 85326 · Decided November 22, 2022

SUMMARY

The Supreme Court of Nevada grants reciprocal discipline against Melissa F. Mack, who had been disbarred in California for misconduct involving client representation, misrepresentations, and mishandling client funds. Because no exception to mandatory reciprocal discipline applied, the court disbarred Mack from practicing law in Nevada.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Chief Justice Parraguirre; Justice Hardesty; Justice Stiglich; Justice Cadish; Justice Pickering; Justice Herndon
JURISDICTION	Nevada
DECIDED	November 22, 2022
DOCKET	No. 85326
DISPOSITION	other
PROCEDURAL POSTURE	The State Bar of Nevada petitioned for reciprocal discipline under Nevada Supreme Court Rule 114 after California disbarred Mack. Mack did not self-report the California discipline and did not respond to the Nevada reciprocal-discipline petition.
STANDARD OF REVIEW	Under SCR 114(4), Nevada imposes identical reciprocal discipline unless the attorney demonstrates, or the court finds, one of the specified exceptions.
PRECEDENTIAL VALUE	Published opinion
PARTIES	State Bar of Nevada v. Melissa F. Mack

TOPICS

appellate procedure

PRACTICE AREAS

legal ethics attorney discipline reciprocal discipline

QUESTIONS PRESENTED

1. Whether Nevada should impose reciprocal discipline after California disbarred Mack.
2. Whether any of the exceptions to mandatory identical reciprocal discipline under SCR 114(4) applied.

HOLDINGS

1. Nevada must impose identical reciprocal discipline because Mack was disbarred in California and no exception under SCR 114(4) applies.
2. The final California adjudication conclusively established Mack's misconduct for purposes of the Nevada disciplinary proceeding.

KEY QUOTATIONS

“SCR 114(4) mandates the imposition of identical reciprocal discipline unless the attorney demonstrates, or this court finds, that one of four exceptions applies.” (at 2)

“In all other respects a final adjudication in another jurisdiction that an attorney has engaged in misconduct conclusively establishes the misconduct for the purpose of a disciplinary proceeding in this state.” (at 2)

“Accordingly, we grant the petition for reciprocal discipline and hereby disbar Melissa F. Mack from the practice of law in Nevada.” (at 2-3)

FACTUAL BACKGROUND

While representing personal-injury clients, Mack failed to file and serve documents, attend conferences and hearings, negotiate medical liens, and maintain client funds in a trust account. She made false statements to a judge and court clerk, impersonated another attorney, sent correspondence purportedly signed by another attorney, and misrepresented the status of cases and medical liens. California disbarred her after she failed to participate in the disciplinary proceedings, and she did not report that discipline or respond to the Nevada petition.

PROCEDURAL HISTORY

California disciplinary authorities charged Mack with multiple acts of professional misconduct. After Mack failed to participate in the California proceedings, the factual allegations were deemed admitted and the California Supreme Court entered an order disbaring her. The State Bar of Nevada then sought reciprocal discipline, and the Nevada Supreme Court granted the petition and disbarred Mack in Nevada.

DISPOSITION

other

OPINION

PER CURIAM.

IN THE SUPREME COURT OF THE STATE OF NEVADA IN THE MATTER OF DISCIPLINE OF No 85326 MELISSA F. MACK, BAR NO. 8556. FILE NOV 2 2 202 ELI ETH A. B Ct. SU BY H1EF DEPUTY CLERK ORDER IMPOSING RECIPROCAL DISCIPLINE AND DISBARRING ATTORNEY This is a petition to reciprocally discipline attorney Melissa F. Mack pursuant to SCR 114. Mack has been disbarred from the practice of law in California.

Mack did not self-report her California discipline as required by SCR 114(1), nor did she respond to this petition, SCR 114(3). In representing personal injury clients, Mack willfully (1) failed to file and serve documents, appear at case conferences and hearings, and negotiate medical liens; (2) misled a superior court judge by making false statements about the status of a case, including falsely claiming that the defendant had accepted liability and the case had settled; (3) impersonated another attorney in emails and letters and misrepresented that the attorney was acting as co-counsel on a case; (4) made false statements to the court clerk about another attorney handling a case and being unable to appear; (5) sent letters and emails purportedly signed by another attorney to an insurance company without the other attorney's knowledge and the letters and emails contained misrepresentations about the deadline for serving a summons and complaint; (6) failed to maintain client funds in a trust account and misappropriated funds owed to her clients and their medical providers; and (7) misrepresented to her clients that she had negotiated SUPREME COURT OF NEVADA (0) 1947A - IS • 1 vi (21. medical liens.

These actions violated (1) former California Rule of Professional Conduct 3-110(A), similar to RPC 1.1 (competence); (2) California Business and Professions Code (CBPC) § 6068(d), similar to RPC 3.31 (candor toward the tribunal—making a false statement of fact or law to a judge); (3) CBPC § 6103, similar to RPC 3.4(c) (fairness to opposing party and counsel—knowingly disobeying an obligation under the rules of a tribunal); (4) CBPC § 6106, similar to RPC 8.4(c) (misconduct involving dishonesty, fraud, deceit or misrepresentation); and (5) former California Rule of Professional Conduct 4-100(A), similar to RPC 1.15 (safekeeping property).

As a result of these violations and her failure to participate in the disciplinary proceedings, the California Supreme Court entered an order disbaring Mack.' SCR 114(4) mandates the imposition of identical reciprocal discipline unless the attorney demonstrates, or this court finds, that one of four exceptions applies. None of the four exceptions apply in this case, and "[i]n all other respects a final adjudication in another jurisdiction that an attorney has engaged in misconduct conclusively establishes the misconduct for the purpose of a disciplinary proceeding in this state."

SCR 'The California State Bar filed disciplinary charges against Mack and served notice of such on her. Mack filed a response, and the disciplinary hearing was continued based on Mack's alleged health issues. After Mack failed to appear at a subsequent status check, the disciplinary court ordered her to provide medical documentation to support her claim that she was unable to participate in court proceedings.

Mack failed to do so, and she failed to appear at the final status conference despite confirming that she would participate telephonically. The court scheduled the disciplinary hearing and Mack was served with notice of the hearing in accordance with California rules. She did not appear, resulting in a default and the factual allegations in the complaint being deemed admitted.

Mack did not move to set the default aside and the State Bar filed and served a petition for disbarment. Mack did not respond to the petition. SUPREME COURT OF NEVADA 2 (0) 1947A 41/ffis 114(5). Accordingly, we grant the petition for reciprocal discipline and hereby disbar Melissa F. Mack from the practice of law in Nevada.

The parties shall comply with SCR 115 and SCR 121.1. It is so ORDERED.² C.J. Parraguirre Hardesty J., J. Stiglich Cadish J. P ckering Herndon cc: Bar Counsel, State Bar of Nevada Melissa F. Mack Executive Director, State Bar of Nevada Admissions Office, U.S. Supreme Court 2The Honorable Abbi Silver having retired, this matter was decided by a six-justice court.

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